

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

Plaintiff

v.

(3) THOMAS DANIEL GARCIA

Defendant

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1:19-CR-0130-LY-3

Order On Petition for Action on Conditions of Pretrial Release

This matter came before the Court on December 12, 2019, for a hearing on the Pretrial Services Office's Petition for Action on Conditions of Release, dated November 13, 2019 ("Petition"). The hearing was held in accordance with the Federal Rules of Criminal Procedure and 18 U.S.C. § 3148.

Defendant Thomas Daniel Garcia was released on conditions on September 30, 2019. The petition alleges that Mr. Garcia submitted urinalysis samples that tested positive for methamphetamine on October 4, 2019; October 15, 2019; and October 30, 2019. In addition, the defendant failed to report as required for his random urinalysis tests on October 10, 2019; November 4, 2019; and November 12, 2019. Mr. Garcia did not respond to repeated attempts by Pretrial Services to contact him after October 30, 2019. The Court issued a warrant for Mr. Garcia's arrest on November 13, 2019, and he was arrested on December 6, 2019, at the Williamson County Jail.

The Court has considered the original pretrial services report, the Petition, and the arguments of counsel for Mr. Garcia and for the government. Pursuant to 18 U.S.C. § 3148(b)(1)(B), the Court finds that there is clear and convincing evidence that Mr. Garcia knowingly violated at least the following Additional Conditions of Release, requiring him to:

- 7(a) submit to supervision by and report for supervision to the U.S. Pretrial Services Office;
- 7(m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; and
- 7(n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer.

The Court further finds, pursuant to 18 U.S.C. § 3148(b)(2)(B), that (A) based on the factors set forth in 18 U.S.C. § 3142(g), there is no condition or combination of conditions of release that will assure that Mr. Garcia will not flee or pose a danger to the safety of any other person or the community, and (B) Mr. Garcia is unlikely to abide by any condition or combination of conditions of release.

It is therefore **ORDERED** that Mr. Garcia's previous release on conditions is **REVOKED** and he is **HEREBY DETAINED** pending further proceedings in this case.

Directions Regarding Detention

Mr. Garcia is remanded to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Mr. Garcia to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED December 12, 2019.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE